

**EIGHTY-NINTH LEGISLATIVE DAY
FRIDAY, APRIL 4, 2003**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused -- Clark, Eberle, Lake. Total -- 3.
Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jonathan Sater, Page.

Approval of Journal

April 4, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighty-eighth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

April 3, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1160** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1160** and, when so signed, ordered it returned to the Senate.

April 3, 2003

Mr. Speaker:

I return herewith enrolled **H 149, H 339, H 327, H 357, H 9**, as amended, as amended in the Senate, **H 150**, as amended in the Senate, and **H 64**, as amended, as amended in the Senate, which have been signed by the President.

WOOD, Secretary

Enrolled **H 149, H 339, H 327, H 357, H 9**, as amended, as amended in the Senate, **H 150**, as amended in the Senate, and **H 64**, as amended, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

April 3, 2003

Mr. Speaker:

I transmit herewith **S 1178** and **S 1176** which have passed the Senate.

WOOD, Secretary

S 1178 and **S 1176** were filed for first reading.

April 3, 2003

Mr. Speaker:

I return herewith **HJM 10, H 335**, as amended, **H 336**, as amended, **H 337, H 338, H 369**, and **H 358** which have passed the Senate.

WOOD, Secretary

HJM 10, H 335, as amended, **H 336**, as amended, **H 337, H 338, H 369**, and **H 358** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

April 4, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 406** and **H 407**.

FIELD(18), Chairman

H 406 and **H 407** were referred to the Revenue and Taxation Committee.

April 4, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 167**, as amended, **H 333, H 17**, as amended, **H 198**, as amended, **H 377, H 384, H 83, H 363**, and **H 382**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 167**, as amended, **H 333, H 17**, as amended, **H 198**, as amended, **H 377, H 384, H 83, H 363**, and **H 382**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

April 4, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 302, H 269**, as amended, and **H 273** to the Governor at 11:45 a.m., as of this date, April 3, 2003.

FIELD(18), Chairman

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

S 1178 and **S 1176**, by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Tenth

Order of Business.

Second Reading of Bills and Joint Resolutions

H 399, **H 400**, and **H 404**, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

SCR 116 and **S 1170**, by State Affairs Committee, were read the second time by title and filed for third reading.

H 394 and **H 395**, by Ways and Means Committee, were read the second time by title and filed for third reading.

HCR 30, **H 396**, and **H 397**, by State Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that **H 218**, as amended in the Senate, be placed at the bottom of the Third Reading Calendar. There being no objection, it was so ordered.

H 65, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sayler to open debate.

The question being, "Shall **H 65**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bell, Bieter, Black, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Cuddy, Deal, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Naccarato, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Mr. Speaker. Total -- 52.

NAYS -- Barrett, Bauer, Bedke, Block, Crow, Denney, Harwood, Kulczyk, Langford, McKague, Moyle, Nielsen, Sali, Schaefer, Wood. Total -- 15.

Absent and excused -- Clark, Eberle, Lake. Total -- 3.
Total -- 70.

Whereupon the Speaker declared **H 65**, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

H 301, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open

debate.

The question being, "Shall **H 301**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Barrett, Kulczyk, McKague. Total -- 3.

Absent and excused -- Clark, Eberle, Lake. Total -- 3.
Total -- 70.

Whereupon the Speaker declared **H 301**, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

H 169, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Young to open debate.

The question being, "Shall **H 169**, as amended, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Clark, Eberle, Lake. Total -- 3.
Total -- 70.

Whereupon the Speaker declared **H 169**, as amended, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

S 1133, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open debate.

The question being, "Shall **S 1133**, as amended, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Cuddy, Deal, Douglas, Edmunson, Ellsworth, Field(18), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Langhorst, Martinez, Meyer, Miller, Mitchell, Moyle, Naccarato, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Mr. Speaker. Total -- 49.

NAYS -- Barrett, Bauer, Crow, Denney, Eskridge, Field(23), Harwood, Kulczyk, Langford, McGeachin, McKague, Nielsen, Sali, Schaefer, Trail(Young), Wills, Wood. Total -- 17.

Absent and excused -- Clark, Eberle, Lake, Roberts. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1133**, as amended, passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1073, as amended in the House, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cannon to open debate.

The question being, "Shall **S 1073**, as amended in the House, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Naccarato, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Wood, Mr. Speaker. Total -- 61.

NAYS -- Barrett, Harwood, Kulczyk, McKague, Moyle, Nielsen. Total -- 6.

Absent and excused -- Clark, Eberle, Lake. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1073**, as amended in the House, passed the House. Title was approved and the bill was ordered returned to the Senate.

H 218, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall **H 218**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- Kellogg, Kulczyk, Langford, McKague. Total -- 4.

Absent and excused -- Clark, Eberle, Lake. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 218**, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 395** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 395** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- Bieter. Total -- 1.

Absent and excused -- Clark, Cuddy, Eberle, Lake. Total -- 4.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 395** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Wood to open debate.

The question being, "Shall **H 395** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Collins, Deal, Denney, Edmunson, Ellsworth, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jones, Kulczyk, Langford, Langhorst, McGeachin, McKague, Meyer, Miller, Moyle, Nielsen, Raybould, Ridinger, Ring, Roberts, Rydalch, Sali, Schaefer, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Wood, Mr. Speaker. Total -- 49.

NAYS -- Bauer, Bieter, Boe, Crow, Cuddy, Douglas, Eskridge, Jaquet, Kellogg, Martinez, Ringo, Robison, Sayler, Shepherd, Smith(30). Total -- 15.

Absent and excused -- Clark, Eberle, Lake, Mitchell, Naccarato, Shirley. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **H 395** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 8 a.m., Monday, April 7, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:38 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk